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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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In the Matter of

Amendment of Part 90 of the Commission's
 Rules to Adopt Regulations for
 Automatic Vehicle Monitoring Systems

) FEDERAL COMMUNICATIONS COMMISSION
) OFFICE OF THE SECRETARY

PR Docket No. 93-61

RM 8013

To: The Commission

REPLY COMMENTS OF THE ALARM INDUSTRY COMMUNICATIONS COMMITTEE

The Alarm Industry Communications Committee (AICC), by its attorney, hereby submits its reply comments in response to the FCC's April 9, 1993 Notice of Proposed Rulemaking (NPRM)¹ in the above captioned proceeding. Although AICC does not oppose the adoption of permanent Automatic Vehicle Monitoring (AVM) rules which mirror the current interim rules and preserve the status quo, AICC, like the majority of other commentors, strongly opposes expanding the permissible uses of the 902-928 MHz band to include high powered messaging services. Such action would create unacceptable levels of interference with low powered alarm devices, seriously endangering public safety.

In support of these reply comments, the following is shown:

**I. LIKE AICC, THE VAST MAJORITY OF COMMENTORS OPPOSE
 THE EXPANSION OF PERMISSIBLE USES OF THE 902-928 MHz BAND**

Opposition to the proposed rulemaking is voiced by almost eighty percent of the commentors, and most base such opposition on the valid concern that the proposed expansion of AVM would be detrimental to low power users, many of whom are engaged in public

¹ FCC 93-141, 58 Fed. Reg. 21276 (April 20, 1993).

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safety-related services. Representative of this majority is the Part 15 Coalition ("The Coalition"), which consists of over 30 companies operating on an unlicensed basis pursuant to Part 15 of the Commission's Rules. AICC fully supports The Coalition's opposition to the proposed rulemaking.

The Coalition, like AICC, warns that expansion of AVM to include the proposed high power Location Monitoring Service (LMS) operations will cause severe interference to existing AVM and Part 15 systems. See Coalition Comments at pp. 10-11. Part 15 operations and AVM have peacefully co-existed under the interim AVM rules established in 1974. However, the cooperative sharing balance will be destroyed if AVM is expanded to become the LMS, in the manner the Commission proposes. This is due, in part, to the fact that expanded LMS will employ admittedly fragile technology which will not withstand interference. See Teletrac petition at pp. 24-32; see also Coalition comments at pp. 10-11; see also Southern California Edison comments at p. 11. Therefore, not only will Part 15 systems suffer from interference, but fragile LMS operations will be troubled by interference as well. Thus, AICC supports the Coalition in stating that it is inappropriate for the Commission to proceed with such a rulemaking without an extensive evaluation of the likely levels of interference and the impact of that interference on existing Part 15 operations that already further the public interest.

Neither the Coalition nor AICC is alone in this view. International Bridge, Tunnel and Turnpike Association and at least

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eighteen other transportation departments and turnpike authorities oppose the proposed rulemaking because it will create interference which will devastate electronic toll and traffic monitoring operations. Radio hobbyists oppose the proposed rulemaking because of the destructive interference they will suffer. North American Telecommunications Association opposes the proposal because the resulting interference will terminate the usefulness of wireless office communications systems. Southern California Edison Company opposes the rulemaking because of its potential, due to interference, to make inoperable Part 15 meter-reading devices. In fact, all operators of Part 15 devices who filed comments responded in the same manner: The level of interference which the proposed expansion of AVM would create makes the proposal adverse to the public interest. AICC fully supports this view.

As The Coalition and several other commentators note, the enactment of the proposed rule would be particularly inequitable and wasteful of scarce resources because of the fact that low power, Part 15 users have relied on the Commission's consistent encouragement, through its liberalized Part 15 rules, to develop low power systems in the 902-928 MHz band. See Coalition Comments at pp. 2-3. These users have consequently invested almost two billion dollars in research, development and production of Part 15 devices, created specifically for this band. Id. at p. 2. For the FCC, in one fell swoop, to strip Part 15 users of the privileges and protections by which it readily encouraged them to expand and progress is arbitrary, and ignores the Commission's mandate to base

its licensing decisions on furtherance of the public interest, and the public safety goal set forth in Section 1 of the Communications Act of 1934, as amended (the Act). It also will result in a stranding of tremendous investment at a time when our government is trying to get the national economy back on its feet.

Further, as Southern California Edison notes, to remove Part 15 devices from the 902-928 MHz band, as would be required for authorization of LMS, could prove next to impossible. Because of the unlicensed nature of the Part 15 devices, the Commission would need to inspect each home and business in the country, locate all Part 15 devices therein, and physically remove them at each site in order to assure they were not operating in the band. See Southern California Edison comments at "Summary", p. 2. The Commission should seriously consider the difficulty of enforcing the new rules before taking any action.

Most importantly, for public safety services in particular, the proposal is especially alarming. We agree with Knogo Corporation, VTech Communications, HTS, and the many other commentators who note that Part 15 operations are no less important than the AVM and LMS operations which the Commission seeks to expand in this band. Indeed, for alarm operations, they are more important. While Part 15 devices may operate on a secondary basis, because of their low power, the purposes for which these devices are used are not "secondary" and should not be preempted by the Commission arbitrarily. Yet, the Commission fails to consider Part 15 operations and the important, often life-saving, functions they

perform. RF Monolithics appropriately requests the Commission to consider whether the public interest in LMS is sufficient to justify excluding from operation the following services: residential and commercial security systems, residential and commercial cordless phones, short range data communications systems, wireless local area computer networks, electronic toll management systems, smoke detectors and safety devices, utility meter reading equipment, wireless bar code readers, spread spectrum devices, and retail anti-theft systems. See RF Monolithics comments at p. 4. AICC wishes to stress that it is not. The proposed rule would eliminate not only "luxury" services provided by Part 15 operations, but essential safety systems like fire alarms, burglar alarms, and emergency medical alert devices.

AICC respectfully urges that the Commission question the logic in expanding vehicle monitoring services as proposed, when such action would render Part 15 safety devices unusable, or unreliable at best. Because of reduced police and fire department resources, burglar, fire, and other emergency alarms provide the very front line in protection and early detection. Since interference with these systems can mean the difference between life and death, the Commission should strongly reconsider its position on expanding AVM operations in the 902-928 MHz range, which has, until now, been home to many crucial Part 15 safety devices. It should be evident that public safety deserves primary consideration, under Section 1 of the Act.

II. THE FEW COMMENTATORS WHO SUPPORT THE COMMISSION'S PROPOSAL OFFER UNACCEPTABLE SOLUTIONS

AICC urges the Commission to consider that only a rather small minority of commentators support the proposed expansion of AVM services in the 902-928 MHz band. The comments of those who do support such expansion fail to justify the disruption of vital services, endangerment of lives, and the stranded investment that would result from the instant proposal.

AICC sharply opposes the comments filed by Southwestern Bell Mobile Systems ("Southwestern Bell") which suggest migrating Part 15 devices to other bands. See Southwestern Bell at pp. 22-23. While AICC agrees with Southwestern Bell that the levels of interference would be unacceptable if the proposed rule took effect

Coalition comments at p. 13. Additionally, the reallocation from the Federal Government of another 200 MHz of spectrum for new and emerging technologies also appears likely. Id. Thus, there is no shortage of spectrum available to LMS-type services.

In this regard, AICC must strenuously oppose the suggestion of Southwestern Bell that the service applications which could be implemented over LMS spectrum be significantly expanded. Even more so than the NPRM's LMS proposal, Southwestern Bell's suggestion would turn this portion of the 900 MHz band into another PCS-type service. Indeed, many of the potential uses suggested by Southwestern Bell are already provided for in other bands, and can likewise find a home in the emerging technologies band, which the Commission has gone to great lengths to create. The monitoring of air conditioning units, vending machines, etc. can be accomplished on the multiple address system (MAS) channels in the 932/941 MHz band for which the Commission has accepted thousands of applications. And indeed, it may be possible to provide these services pursuant to the liberalization of the cellular rules to allow the provision of auxiliary services, which Southwestern Bell acknowledges in its comments (at p. 5).

With regard to Southwestern Bell's suggestion that LMS be used for fixed alarm signalling, the Commission has already allocated channels for a radio link from the central station to the protected premises. What the alarm industry needs is 900 MHz spectrum on which low powered Part 15 alarm devices can operate, to allow the extension of this wireless alarm network throughout protected

premises, without the need for separate Commission licensing of each of the premises. The Commission had provided this spectrum, and encouraged its development under Part 15, in the 900 MHz band. As a result, substantial effort and resources have gone into development and deployment of these wireless alarm circuits. Therefore, rather than furthering alarm technology, the expansion of LMS as suggested by Southwestern Bell would only interfere with the successful operation of existing alarm operations all over the country.

AICC has concerns over the comments of Teletrac and Mark IV IVHS Division which state, in part, that LMS and Part 15 systems can peacefully co-exist in the 902-928 MHz band. See Teletrac comments at p. 11, n. 13; see also Mark IV IVHS comments at pp. 14-15. This has not been established by evidence on the record and

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The Commission must not, without extensive research and justification, assume that the expansion of AVM will not interfere with current Part 15 operations, or assume that the unsupported assertions of a few admittedly self-interested commentators are the equivalent of scientific proof on this subject. Rather, the Commission, in order to justify its proposal, should scientifically establish an acceptable level of compatibility with low power. Part

have few interference problems, despite the existence of AVM operations within the 902-928 MHz band. However, creation of an LMS, or adoption of Southwestern Bell's even wider expansion of this service, is certain to create grave interference problems, when other perfectly acceptable alternatives for LMS operations exist.

CONCLUSION

Because peaceful co-existence between expanded LMS as proposed and Part 15 operations is highly unlikely and because of the grave

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